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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-500*

13 **NERIDA JANE ANDERSON**
200 Coggins Drive, Apt. 15
Pleasant Hill, CA 94523

A C C U S A T I O N

14 **Registered Nurse License No. 645626**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 29, 2004, the Board of Registered Nursing issued Registered
23 Nurse License Number 645626 to Nerida Jane Anderson (Respondent). The Registered Nurse
24 License was in full force and effect and expired on February 29, 2012, and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws: All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
6 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
7 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
9 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
10 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
11 may renew an expired license at any time within eight years after the expiration.

12 **STATUTORY PROVISIONS**

13 6. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
14 license on the ground that the licensee has been convicted of a crime substantially related to the
15 qualifications, functions, or duties of the business or profession for which the license was issued.

16 7. Code section 2761 states, in part:

17 The board may take disciplinary action against a certified or licensed nurse or
18 deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the
20 following:

21 (1) Incompetence, or gross negligence in carrying out usual certified or
22 licensed nursing functions.

23 **REGULATORY PROVISIONS**

24 8. California Code of Regulations, title 16, section 1442, states:

25 As used in Section 2761 of the code, 'gross negligence' includes an extreme
26 departure from the standard of care which, under similar circumstances, would have
27 ordinarily been exercised by a competent registered nurse. Such an extreme departure
28 means the repeated failure to provide nursing care as required or failure to provide
care or to exercise ordinary precaution in a single situation which the nurse knew, or
should have known, could have jeopardized the client's health or life.

1 **COST RECOVERY**

2 9. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FACTUAL STATEMENT**

7 10. From on or about January 9, 2006 through November 14, 2008, Kaiser Permanente
8 San Francisco Medical Center (Kaiser) in San Francisco, California employed Respondent as a
9 registered nurse.

10 11. On or about October 24, 2008, Kaiser assigned Respondent to care for Patient A and
11 Patient B in the Intensive Care Unit (ICU).

12 12. Patient A¹ suffered from diabetic ketoacidosis (a life-threatening complication from
13 diabetes that is monitored through blood tests) and his doctor ordered Respondent to draw the
14 patient's blood every two hours to test electrolyte levels. At approximately 1700 hours,
15 Respondent yelled "I don't understand why we have to do these checks every two hours," "I don't
16 understand why we cannot do it every four hours, and "I'm not going to do it." Respondent
17 continued to yell.

18 13. Patient B was a cardiac patient with a history of pulling his oxygen mask off because
19 it was uncomfortable. Respondent told Patient B "you better keep your mask on or I'm going to
20 restrain you" and "you had better keep your mask on." She shook her fist at him. Respondent
21 told a first year resident physician that Patient B required restraint and obtained an order to
22 restrain him. Patient B was alert and oriented. He objected to being placed in restraints.
23 Respondent administered morphine to Patient B for his "comfort." Dr. Mirwis Amoni released
24 Patient B from the restraints and asked Respondent not to restrain Patient B. Patient B reported
25 that Respondent was mean to him, tied him to the bed, and hit his face a couple of times. Patient
26

27 ¹ Patients are identified by letters in order to protect the patients' confidentiality. The full
28 names of the patients will be disclosed pursuant to a request for discovery.

1 B asked that Respondent not care for him. Respondent yelled at Dr. Amoni "You take care of
2 him. You do it. I am not going to."

3 14. Shortly thereafter, Respondent left the ICU. She did not state that she was taking a
4 break. Later, Respondent returned to the ICU shouted expletives about and to Dr. Amoni.

5 15. On or about November 14, 2008, Kaiser terminated Respondent.

6 16. During an unknown period of time that included October 7, 2009, Alameda Medical
7 Center in Oakland, California, employed Respondent as a registered nurse through a nurse
8 registry.

9 17. Patient C was admitted to Alameda Medical Center for shortness of breath and
10 seizures. On or about October 7, 2009, Respondent treated Patient C. Physician's orders dated
11 October 7, 2009, stated that "after checking Dilantin level, give one gram Dilantin over one hour
12 IV, don't push quickly." At approximately 2155 hours, Respondent administered one gram of
13 Dilantin to Patient C during a five-minute period. At approximately 2201 hours, Patient C
14 became bradycardic and, at approximately 2240 hours, died from the rapid infusion of Dilantin.

15 18. On an unknown date on or about October 7, 2009, Alameda Medical Center placed
16 Respondent on the "Do Not Return" list, prohibiting Respondent from working at Alameda
17 Medical Center in the future.

18 CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct: Gross Negligence)

20 19. Respondent is subject to disciplinary action under Code section 2761, subdivision
21 (a)(1), for unprofessional conduct, as defined by California Code of Regulations, title 16, section
22 1442, in that she committed acts of gross negligence in carrying out her usual certified or licensed
23 nursing functions.

24 20. On or about October 24, 2008, as more particularly set forth in paragraphs 10 through
25 15, above, she committed the following acts of gross negligence:

- 26 a. Failed to administer safe and judicious care to Patient A and Patient B; and
- 27 b. Failed to conduct herself in a professional manner while caring for critically ill
- 28 patients.

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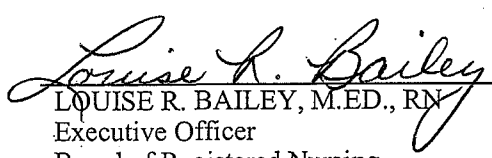
2 21. On or about October 7, 2009, as more particularly set forth in paragraphs 16 through
3 18, above, she committed the following acts of gross negligence:

- 4 a. Failed to judiciously administer intravenous medication, resulting in Patient C's death;
5 and
6 b. Administered Dilantin to Patient C without the proper knowledge of safe administration
7 of the medication.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 645626, issued to Nerida
12 Jane Anderson;
13 2. Ordering Nerida Jane Anderson to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3; and
16 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: December 19, 2012 
20 LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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